

MEETING NOTES

February 8, 2011

Regular text = paraphrased discussion

Italics=Department's response

Italics and indented=rule change

R9-3-101(11)

Definition of "capacity"

What children are included in a group home's capacity?

The Department has reviewed the usage of the term "capacity" in the body of the rules and will change the definition as follows:

11. *"Capacity" means the maximum number of **enrolled** children authorized by the Department to be present at a child care group home during hours of operation.*

R9-3-101(16), R9-3-301(A)(1)(d), and R9-3-301(C)(1)

There was discussion about the definition of "child care experience" and the usage of the term in qualifications for a provider and a provider's designee. How is the Department determining experience?

The Department has reviewed the term and its usage in the draft rules and the new facility rules. The definition in the draft rules is consistent with the definition in the facility rules. Similar to the usage for a provider's qualifications, the phrase "at least 12 months of child care experience" is used in connection with the qualifications of a facility director's designee. The phrase "at least six months of child care experience" is used in connection with both a facility's teacher-caregiver and a provider's designee. For facility staff, the Department is reviewing documentation of time spent working in a regulated child care environment. If there is a question as to whether a staff member worked in regulated care, a surveyor may ask a facility director to call to verify. The Department expects to handle this requirement for group homes in a similar manner. No change will be made to the rule.

R9-3-301(A)(4)(c)(v)

The Department is changing this subsection as follows:

- v. *A written statement by the **resident or, if the resident is a minor, the provider attesting to the resident's current immunity against measles, rubella, diphtheria, mumps, and pertussis:***

R9-3-301(A)(4)(f)

The Department recognizes that child care services are provided to enrolled children in places other than areas approved for providing child care services, such as on field trips. The Department is changing this subsection as follows:

- f. ***Except when on a field trip, provides child care services only in areas:***
 - i. *Designated as provided in R9-3-201(2)(f)(i) or R9-3-201(2)(g)(i), or*
 - ii. *Approved under R9-3-205(C);*

R9-3-301(A)(4)(g)(vii)

The Department is changing this subsection as follows:

- vii. *A statement that a parent has access to the areas on **the premises where the parent's enrolled child is receiving child care services;***

R9-3-301(A)(4)(i)

A staff member may only work part-time and have another business on the side. Please clarify whether this is allowable.

The Department will change the rule as follows:

- i. ***Does not allow another staff member to engage in or operate another business at or out of the residence during the staff member's assigned work hours at the child care group home;***

R9-3-301(D)

This subsection is being clarified to be consistent with subsection (A)(4)(g)(vii) and will read:

- D.** *A provider shall ensure that a parent of an enrolled child or an individual designated in writing by the parent of an enrolled child is allowed immediate access during hours of operation to the areas of the premises where the enrolled child is receiving child care services;*

R9-3-301(E)(4)

To be consistent with usage in other places in the draft rules, this subsection is being changed to replace the phrase “the days of the week and the hours each day during which child care services are provided” with “the hours of operation.” The rule will read:

- 4.** *The hours of operation for the child care group home;*

R9-3-301(E)(6)

How does this compare with screen time for facilities? Why isn’t the term “screen time” used?

This is the only place in the rules where the concept of screen time is used, so the term is “defined” in place. In the facility rules, the term includes watching a movie or using a computer or other electronic media, but the facility rules do not include any limitation on the amount of screen time allowed for enrolled children two years of age or older, only that the amount of screen time is listed on the lesson plan for parents to see. To be consistent with facility rules regarding parent notification of screen time, while accommodating the less-structured environment of group homes, the Department is changing the rule as follows:

- 6.** *The amount of time in minutes enrolled children may watch television, videos, or DVDs at the child care group home; and*

R9-3-301(E)(7)

The Department will change the rule as follows:

- 7.** *The weekly menu, required in R9-3-406(F), before the first meal or snack of the week.*

R9-3-301(F)

This subsection is being clarified to be consistent with practice. For instance, a therapist would need to be supervised when providing services to an enrolled child who has been signed out by the therapist when in the presence of other enrolled children, but not when with the signed-out enrolled child in an area where no other enrolled children are present. The rule will read:

- F.** *A provider shall ensure that a staff member supervises any individual who is not a staff member and is on the premises where enrolled children are present.*

R9-3-301(I), (J), and (K)

These subsections are renumbered due to the insertion of the new subsection (I) discussed in the notes for the January 18 meeting.

R9-3-302(A)(13)

This subsection is being changed due to the change in the definition of field trip. The subsection will now read:

- 13.** *Procedures for field trips, if applicable; and*

R9-3-302(E)

Should the term “licensee” be “certificate holder”?

Yes, the subsection will be changed to read:

- E.** *A certificate holder shall ensure that a staff member required by R9-3-301(G) meets all of the following:*

R9-3-303(B)(3)

What if one of the parents is not involved with the child and his/her whereabouts are unknown? Does that parent’s info have to be listed?

The wording of this rule is the same as the wording used in the child care facility rules. The Department recognizes that a child may have one parent or multiple parents. An individual whose whereabouts are unknown is not functioning as a parent and would not have to be listed, but each individual acting as a parent for the child should be listed. No change will be made to the rule.

R9-3-303(E)

Requirements relating to custody documents are being removed from the rules. How does this affect providers? *The Department is removing requirements related to custody documents from the rule so providers are not put in a position of being in the middle of a custody dispute, thinking that the documents they have been given provide them with justification for denying a parent the right to remove the parent's child from the child care group home. If such a circumstance arises, the Department recommends a provider call the parent listed on the Emergency, Information, and Immunization Record card and, if necessary, allow the police to resolve the dispute. No change will be made to the draft rules.*

R9-3-303(D)

The group discussed the fact that the requirements for record retention are not consistent for all programs with which a child care group home may be associated. This may lead to confusion on the part of a provider. *The record retention times specified in the rules are consistent throughout child care licensing and certification rules. The Department will make no change to the rule.*

R9-3-304(E) and (F)

These subsections are confusing.

Subsection (F) is consistent with the rule for child care facilities, while subsection (E) was modified from that for facilities to define/describe the term "proof of immunity" (used in the facility rule) in the subsection. Otherwise the rule is consistent with that for facilities. To make the intent of the rule clearer, the Department is changing the rules as follows:

- E. For an outbreak of a disease listed in A.A.C. R9-6-702(A) at the child care group home, a provider shall:**
- 1. Not allow an enrolled child to attend the child care group home between the start and end of the outbreak if the enrolled child lacks documentation of immunization or evidence of immunity to the disease that complies with A.A.C. R9-6-704; and**
 - 2. Permit the enrolled child to attend the child care group home if a parent of the enrolled child provides any of the documents in A.A.C. R9-6-704 for the enrolled child.**

R9-3-305(A)(1)(c)

The current child care group home rules allow a school-age child, with written parent permission, to sign in and out of a child care group home. Other programs require an adult signature. How does this affect providers?

The Department has not had any problems related to this rule requirement and does not intend to change the rule.

R9-3-308(A)(1)

A comment was made about a child who has asthma being able to participate in activities.

Although a child who has asthma may not be classified as a child with special needs, the parent of the child should list the child's asthma on the Emergency, Information, and Immunization Record card as a physical condition of which a staff member should be aware (R9-3-303(B)(9)). The Department expects a provider to make allowances for and accommodate the individual requirements for health maintenance for any child accepted for enrollment into the child care group home, regardless of whether the requirement is related to lactose-intolerance, allergy to peanuts, asthma, or some other condition. To clarify that a provider determines the level of accommodation, the Department is changing the subsection as follows:

- A. A provider shall exclude an enrolled child from the child care group home when:**
- 1. The provider determines that the enrolled child's illness prevents:**
 - a. Prevents the enrolled child from participating in program activities without experiencing discomfort or aggravation of symptoms; or**

- ~~2.b.~~ ~~The child's illness results~~ **Results** in a greater need for care than staff members can provide without compromising the health or safety of other enrolled children;
or
~~3.2.~~ The child's exclusion is required under 9 A.A.C. 6, Article 3; ~~or~~
~~4.~~ ~~The child's exclusion is required by Table 2.~~

Table 2

The group discussed the removal of Table 2 from the rules.

The information in Table 2 may serve as a guide for when a child should be excluded from a child care group home, but the information is not all-inclusive and provides many exceptions. The Department believes that a provider is in the best position to know whether a child should be excluded. No change will be made to the rule.

Other changes are being made to the draft rules, based on discussions of rules. The following subsections are being changed due to the recognition that child care services are provided in many indoor areas, such as when on a field trip, that are not subject to the requirements in these rules. The subsections will now read:

R9-3-501(A), (B) and (C)

- A. A certificate holder shall ensure that a child care group home ~~shall have~~ has:
- At least 30 square feet of floor space in indoor ~~certified~~ areas **of the child care group home approved for providing child care services** for each enrolled child, not including the following:
- B. A provider shall ensure that each indoor ~~certified~~ area **of the child care group home approved for providing child care services** is maintained at a temperature between 68° F and 82° F during hours of operation.
- C. A provider shall ensure that the lighting in each indoor ~~certified areas~~ **area of the child care group home approved for providing child care services** is sufficient to enable a staff member to see each enrolled child in the ~~certified indoor~~ area.

R9-3-504(A)(2) and (5)

- A smoke detector is installed in each indoor ~~activity~~ area **of the child care group home approved for providing child care services** ~~used by enrolled children~~ and in each hallway of the child care group home's ~~residential building~~ residence;
- Each electrical outlet in ~~a certified~~ **an area of the child care group home approved for providing child care services** is covered with a safety plug cover or insert when not in use;

R9-3-504(E)(1) and (3)

- ~~prepare~~ Prepare a fire and emergency ~~evacuation~~ plan, consisting of:
 - An evacuation plan for the child care group home, including a floor plan of the child care group home's residence on which lines have been drawn showing the evacuation path from each area **of the child care group home approved for providing child care services;**
- ~~post the fire evacuation plan~~ Post a copy of the floor plan showing the evacuation paths from the residence in ~~an activity~~ each indoor area **of the child care group home approved for providing child care services.** ~~accessible to staff members. The fire evacuation plan shall include a floor plan of the child care group home's residential building on which lines have been drawn showing the evacuation path.~~

R9-3-505(D)(1) and (8)

- ~~C.D.~~ A provider shall ensure that:
- A stairway that leads to a floor or room outside of the ~~certified area~~ **areas of the child care group home approved for providing child care services** is separated from the ~~certified area~~ **areas of the child care group home approved for providing child care services** by either a door or gate that is kept closed during hours of operation;

- 9-8. ~~Each fan in a certified an area~~ of the child care group home approved for providing child care services is inaccessible to ~~enrolled children an enrolled child~~ and is permanently mounted; and

R9-3-506(1) and (9)

A provider shall ensure that:

1. All ~~certified~~ areas of the child care group home approved for providing child care services and the furnishings, equipment, supplies, materials, utensils, and toys in those ~~certified~~ areas are kept clean and free of insects and vermin;
- ~~11-9.~~ Each toilet bowl, sink, lavatory, bathtub, shower, and drinking fountain, bathroom floor, activity area floor, and kitchen floor in ~~a certified an area~~ of the child care group home approved for providing child care services is cleaned and disinfected daily or, if necessary, more often;

R9-3-507(A)(2)

2. Is in an area of the child care group home approved for providing child care services, but not in a kitchen or eating area; and

R9-3-508(4), (7)(a)(ii), (7)(a)(iii), and (7)(c)

4. When kept in ~~a certified an area~~ of the child care group home approved for providing child care services, a bird kept at the child care group home is:
7. A reptile in a child care group home is:
 - (a)ii. Not located in an area of the child care group home approved for providing child care services, and
 - (a)iii. Not brought into or through areas of the child care group home approved for providing child care services;
- c. Not brought into areas of the child care group home approved for providing child care services at any time; and

Next scheduled meetings

February 22, 2011

1:00 p.m. – 4:00 p.m.

150 N. 18th Ave., 4th floor training room

Phoenix, Arizona, 85007

Tentative discussion:

Review of changes made to previously-reviewed Articles

Continue review of Article 3

Begin review of Article 4

March 8, 2011

1:00 p.m. – 4:00 p.m.

150 N. 18th Ave., 4th floor training room

Phoenix, Arizona, 85007

Tentative discussion:

Review of changes made to previously-reviewed Articles

Continue review of Article 4

Review of Article 5

March 22, 2011

1:00 p.m. – 4:00 p.m.

150 N. 18th Ave., 4th floor training room

Phoenix, Arizona, 85007

Tentative discussion: TBD